

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**PLAINTIFFS' MOTION TO COMPEL**

Pursuant to Fed. R. Civ. P. 37 and E.D. Va. Local Rule 37, Plaintiffs hereby move to compel Defendants Cox Communications, Inc. and CoxCom, LLC (collectively "Cox") to produce:

- (1) For the period of 2012 through 2014, Cox Communications, Inc.'s audited financial statements in full, including full auditor reports, notes, letters, opinions and narrative discussions and explanations concerning the financial statements from which COX\_SONY\_00974168 through COX\_SONY\_00974176 are excerpted;
- (2) The data underlying Cox's claim that [REDACTED], including any analysis or calculations thereof;
- (3) For the period of 2012 through 2014, CATS work log notes for Cox business subscribers identified in Cox's ICOMS billing reports produced at COX\_SONY\_00973760 through COX\_SONY\_00973767;

- (4) The expert report(s) of William Rosenblatt submitted on behalf of Cox in *BMG Rights Management (US) LLC, et al. v. Cox Enterprises, Inc., et al.*, Case No. 1:14-cv-01611-LO-JFA (the “BMG Litigation”);
- (5) Video recordings of the depositions of Cox’s fact witnesses taken in the BMG Litigation;
- (6) Documents concerning Jason Zabek, Joseph Sikes, and Roger Vredenburg’s [REDACTED], performance evaluations, and salary/bonus history from the period of 2010 through 2016;
- (7) For the period of 2012 through 2014, weekly or monthly abuse reports generated by abuse category; and
- (8) A 30(b)(6) witness prepared to testify to Cox's [REDACTED]

For the reasons set forth in the accompanying Memorandum in Support, the Court should grant the motion.

**LOCAL RULE 37(E) MEET AND CONFER STATEMENT**

Counsel for Plaintiffs sent multiple letters or emails to Cox regarding its deficient objections and responses, including on April 15, April 24, May 10, and June 10, 2019. The parties’ respective counsel have held telephonic meet-and-confers, including on June 18, on discovery issues including on those raised by Plaintiffs’ Motion. The parties have resolved several issues and others remain under consideration. Despite their efforts, the parties were unable to resolve all of their disputes, including those raised by the instant motion, though Plaintiffs will continue to confer in good faith to determine whether any of the issues raised herein may be mooted.

Respectfully submitted,

Dated: June 21, 2019

/s/ Scott A. Zebrak

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